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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 v.)

11 ANDREW CHARLES HEFFRON,)

12 Defendant.)

Case No. CR06-79-JCC-6

**PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO ALLEGED
VIOLATIONS OF SUPERVISED
RELEASE**

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on June 29,
15 2009. The defendant appeared pursuant to a warrant issued in this case. The United States was
16 represented by Adam Cornell, and defendant was represented by Paula Deutsch. Also present
17 was U.S. Probation Officer Thomas Fitzgerald. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on December 7, 2007 by the Honorable John C. Coughenour for
20 Conspiracy to Distribute Marijuana. He received 12 months and 1 day of imprisonment and 3
21 years of supervised release.

22 1. On April 28, 2009, in response to his admitted alcohol consumption in March 2009,
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PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO VIOLATIONS OF
SUPERVISED RELEASE -1

1 a Report on Offender Under Supervision was submitted to the Court. No action was
2 recommended at that time as Mr. Heffron was referred for a chemical dependency evaluation.

3 2. On June 14, 2009, Mr. Heffron agreed to have his conditions modified to include
4 120 days participation in the home confinement program with electronic monitoring and
5 sobriety. This modification was in response to continued alcohol consumption and an arrest for
6 driving under the influence on June 5, 2009.

7 PRESENTLY ALLEGED VIOLATIONS AND
8 DEFENDANT'S ADMISSION OF THE VIOLATION

9 In a petition and a memorandum dated June 24, 2009, U.S. Probation Officer Thomas J.
10 Fitzgerald alleged that defendant violated the following conditions of supervised release:

11 1. Failing to comply with the home confinement program on June 23, 2009, in violation
12 of the special condition requiring he participate in the home confinement program with electronic
13 monitoring and the sobriety as directed by the probation officer for 120 days.

14 2. Consuming alcohol on June 23, 2009 in violation of special condition number one of
15 his supervised release.

16 3. Committing the crime of driving while intoxicated on June 23, 2009, in violation of
17 the general condition that he not commit another federal, state, and/or local crime.

18 Defendant admitted the above violations, waived any hearing as to whether they occurred,
19 and was informed the matter would be set for a disposition hearing July 10, 2009 at 9:00 a.m.
20 before District Judge John C. Coughenour. Defendant was remanded to custody pending his
21 disposition hearing.

22 RECOMMENDED FINDINGS AND CONCLUSIONS

23 Based upon the foregoing, I recommend the court find that defendant has violated the

1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 29th day of June, 2009.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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